

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE 2013 DODGE CHARGER, VIN
2C3CDXAT1DH549876, WITH ALL
ATTACHMENTS THEREON,

Defendant 1,

and

ONE 2007 CADILLAC ESCALADE, VIN
1GYFK63867R199273, WITH ALL
ATTACHMENTS THEREON,

Defendant 2.

Case No. 1:20-cv-716

**VERIFIED COMPLAINT FOR
FORFEITURE IN REM**

Plaintiff, United States of America, by its undersigned counsel, alleges the following for its action against the defendants in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to enforce 21 U.S.C. § 881(a)(6), which provides for the forfeiture to the United States of:

All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.

THE DEFENDANTS IN REM

2. Defendant 1 is a 2013 Dodge Charger, VIN 2C3CDXAT1DH549876, with all attachments thereon. On or about January 28, 2020, the Federal Bureau of Investigation (“FBI”) seized Defendant 1 from the residence of Frederick D. Hill, Jr. located at 803 10th Avenue, Middletown, Ohio, while executing a federal search warrant. The FBI transferred custody of Defendant 1 to a property custodian of the United States Marshals Service (“USMS”), where it will remain during the pendency of this action.

3. Defendant 2 is a 2007 Cadillac Escalade, VIN 1GYFK63867R199273, with all attachments thereon. On or about January 28, 2020, the FBI seized Defendant 2 from the residence of Frederick D. Hill, Jr. located at 803 10th Avenue, Middletown, Ohio, while executing a federal search warrant. The FBI transferred custody of Defendant 2 to a property custodian of the USMS, where it will remain during the pendency of this action.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendants pursuant to 21 U.S.C. § 881(a)(6). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendants pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio and pursuant to 28 U.S.C. § 1395 because the defendants were found in the Southern District of Ohio.

BASIS FOR FORFEITURE

7. The defendants are subject to forfeiture under 21 U.S.C. § 881(a)(6) because they represent property furnished or intended to be furnished in exchange for a controlled substance, represent proceeds traceable to such an exchange, or were used or intended to be used to facilitate any violation of 21 U.S.C. § 841 or a conspiracy to commit such offense, in violation of 21 U.S.C. § 846.

FACTS

8. In or about January 2019, the FBI, Middletown Police Department Special Operations Unit, Butler County Undercover Regional Narcotics unit, and Bureau of Alcohol, Tobacco, Firearms and Explosives initiated a multi-agency joint investigation into the All State Violent Criminal Organization (“All State”), which is based in Middletown, Ohio.

9. Multiple sources of information have confirmed that All State engaged in putting contract “hits” on individuals. All State directed at least four contract killings and was involved in attempted murders and in the shootings of vehicles and residences.

10. In addition to the violence perpetrated by All State, multiple sources of information provided that All State’s primary source of revenue was the storage, production, distribution, and transportation of heroin fentanyl mixture. Investigators determined that All State sold heroin fentanyl mixture for several years throughout Middletown, Ohio.

11. On August 21, 2019, a federal grand jury in the Southern District of Ohio returned a superseding indictment (Case No. 1:19-CR-057, Doc. 61) against thirteen members of All State, charging the defendants with a narcotics conspiracy, among other offenses.

12. Through post-arrest interviews with All State defendants, confidential informant debriefings, and sources of information, investigators learned of a major heroin

fentanyl drug trafficking cell led by Frederick D. Hill, Jr. ("Hill"), which was partnered with All State as a source of supply. Hill is a cousin of Marqui Conley, aka Key Man, a former leader of All State who is now deceased.

13. The investigation has revealed that Hill had a direct Mexican cartel source of supply who he met in federal prison. The Mexican source regularly sent Hill multi-kilogram quantities of heroin fentanyl mixture, which enabled Hill to serve as the primary supplier of heroin fentanyl throughout Middletown, Ohio, and the surrounding areas. Hill operated his drug trafficking operation from residences located at 803 10th Avenue, Middletown, Ohio, and 1017 Garden Avenue, Middletown, Ohio.

14. An example of Hill's involvement in the distribution of heroin fentanyl mixture is illustrated by the interview of a cooperating defendant ("CD-1") by the Drug Enforcement Administration in New Jersey on or about May 7, 2019. CD-1 stated that he/she was involved in transporting narcotics and bulk cash for a drug trafficking organization in Mexico and that one of their main customers was Hill. CD-1 described overseeing numerous shipments of three to four kilogram quantities of heroin fentanyl mixture, concealed within semi-truck loads coming from California and Arizona, which were delivered to Hill. CD-1 described personally delivering three kilograms of heroin fentanyl mixture to Hill on April 6, 2019.

15. During the course of the investigation, investigators observed Hill using multiple residences, buildings, and vehicles. Hill routinely dressed in what appeared to be expensive clothing and jewelry. Investigators have not identified any known form of legitimate employment for Hill. Instead, his drug trafficking activities appeared to be his full time job. Based upon their training and experience, investigators believe that Hill had significant unexplained wealth, and his possessions appeared to be purchased with the proceeds of drug

trafficking.

16. On or about January 28, 2020, the FBI, with the assistance of other law enforcement agencies, executed a federal search warrant at 803 10th Avenue, Middletown, Ohio. Investigators seized, among other things, a Ziploc bag containing approximately 255.87 grams of heroin fentanyl mixture as later determined through lab analysis, 2 bags of a green leafy substance, 2 scales with white residue, cell phones, firearms, ammunition, miscellaneous documents, the 2013 Dodge Charger (Defendant 1), and the 2007 Cadillac Escalade (Defendant 2).

17. As previously indicated, Hill did not appear to have any legitimate employment during the course of the investigation. While Hill is the registered agent of a business by the name of “Inkspired (Body Art Tattoos and Designs)” with an address of 803 10th Avenue, Middletown, Ohio, the investigators did not find any documents, equipment, supplies, or any other property related to the business during the execution of the search warrant at 803 10th Avenue.

18. During the time that Hill was engaged in the distribution of heroin fentanyl mixture, he purchased two vehicles. According to Butler County Clerk of Courts records, on July 4, 2019, Hill purchased the 2013 Dodge Charger (Defendant 1) for \$8,000.00, and on October 2, 2019, Hill purchased the 2007 Cadillac Escalade (Defendant 2) for \$2,000.00. The titles for Defendants 1 and 2 do not show any liens.

19. On June 3, 2020, a federal grand jury in the Southern District of Ohio returned a five-count superseding indictment against Hill, charging him with four counts of possession of a firearm by a prohibited person, in violation of 18 U.S.C § 922(g), and one count of possession with intent to distribute 40 or more grams of fentanyl, in violation of 21 U.S.C. § 841(a)(1) (Case No. 1:20-CR-012, Doc. 23). The charges are currently pending.

20. Hill has an extensive criminal history which includes, among other offenses, a

federal conviction for possession with intent to distribute over 500 grams of cocaine HCL.

21. On or about April 17, 2020, the FBI received a claim from Hill, asserting an ownership interest in the defendants.

22. Based on the foregoing facts, the United States asserts that the defendants represent property furnished or intended to be furnished in exchange for a controlled substance, represent proceeds traceable to such an exchange, or were used or intended to be used to facilitate any violation of 21 U.S.C. § 841 or a conspiracy to commit such offense, in violation of 21 U.S.C. § 846. Therefore, the defendants are subject to forfeiture to the United States under 21 U.S.C. § 881(a)(6).

CLAIM FOR RELIEF

WHEREFORE, the plaintiff respectfully requests that:

(a) pursuant to Rule G(3)(b)(i), Supplemental Rules, the Clerk issue a warrant of arrest *in rem*, directing the United States to arrest and seize the defendants and to retain the same in its custody subject to further order of the Court;

(b) the Court, pursuant to Rule G(4), Supplemental Rules, direct the United States to give notice to all persons and entities having an interest in the defendants to assert in conformity with the law a statement of any interest they may have, including notice by publication on the official government website, www.forfeiture.gov, for 30 consecutive days;

(c) the forfeiture of the defendants to the United States be confirmed, enforced, and ordered by the Court;

(d) the Court thereafter order the United States to dispose of the defendants as provided by law; and

(e) the Court award the United States all other relief to which it is entitled, including the costs of this action.

Respectfully submitted,

DAVID M. DEVILLERS
United States Attorney

s/Deborah D. Grimes

DEBORAH D. GRIMES (0078698)

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Attorney for Plaintiff

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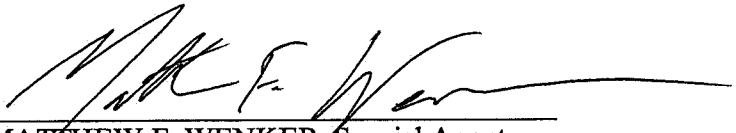
VERIFICATION

I, Matthew F. Wenker, hereby verify and declare under the penalty of perjury that I am a Special Agent with the Federal Bureau of Investigation, that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the matters contained in the complaint are true to my own knowledge, except that those matters stated to be alleged on information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, and my investigation of this case.

I hereby verify and declare under the penalty of perjury that the foregoing is true and correct.

Dated 9/11/2020


MATTHEW F. WENKER, Special Agent
Federal Bureau of Investigation

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Hamilton
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Deborah D. Grimes, Assistant United States Attorney
221 E. Fourth Street, Suite 400
Cincinnati, Ohio 45202 (513) 684-3711

DEFENDANTS

One 2013 Dodge Charger, VIN 2C3CDXAT1DH549876, with All Attachments Thereon, et al.

County of Residence of First Listed Defendant Hamilton
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Forfeiture pursuant to 21 U.S.C. § 881(a)(6)

Brief description of cause:
Forfeiture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Susan J. Dlott

DOCKET NUMBER 1:20-cr-012

DATE

09/11/2020

SIGNATURE OF ATTORNEY OF RECORD

s/ Deborah D. Grimes

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE